

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JERRY HARRISS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-1068 JLT CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND REMANDING ACTION
PURSUANT TO SENTENCE FOUR OF 42
U.S.C. §405(g)

ORDER DIRECTING ENTRY OF
JUDGMENT IN FAVOR OF PLAINTIFF
JERRY HARRISS AND AGAINST
DEFENDANT COMMISSIONER OF
SOCIAL SECURITY

(Docs. 12, 15, and 17)

Jerry Harriss seeks judicial review of a final decision of the Commissioner of Social Security denying his application for a period of disability and disability insurance benefits under Title II of the Social Security Act. (Docs. 1, 12.) Plaintiff asserted the administrative law judge failed to properly evaluate Plaintiff's subjective complaints. (Doc. 12.) The Commissioner argued the ALJ identified legally sufficient reasons for rejecting Plaintiff's statements, and requested the Court affirm the administrative decision. (Doc. 15.)

The magistrate judge found that the ALJ failed to provide clear and convincing reasons supported by substantial evidence in rejecting Plaintiff's subjective symptomology testimony. (Doc. 17 at 18-25.) In addition, the magistrate judge determined the ALJ's error was not

harmless. (*Id.* at 25.) Therefore, the magistrate judge recommended that the Court grant Plaintiff's appeal, reverse the decision of the ALJ, remand this matter for further proceedings, and enter judgment in favor of Plaintiff. (*Id.*)

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 17 at 26.) The Court advised the parties that "failure to file any objections within the specified time may result in the waiver of certain rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)). Neither party filed objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), the Court performed a *de novo* review of this case. Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on June 26, 2025 (Doc. 17) are **ADOPTED** in full.
2. Plaintiff's motion for summary judgment (Doc. 12) is **GRANTED**.
3. The Commissioner's request to affirm (Doc. 15) is **DENIED**.
4. The administrative decision is **REVERSED**.
5. This matter is **REMANDED** pursuant to sentence four of 42 U.S.C. §405(g) for further proceedings.
6. The Clerk of Court is directed to enter judgment in favor of Plaintiff Jerry Harriss and against Defendant Commissioner of Social Security.

IT IS SO ORDERED.

Dated: **July 14, 2025**


UNITED STATES DISTRICT JUDGE